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OCT 24 2005

Attorney's Docket No. 25-0079
Client's Docket No. P1328US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. 10/016,585)
First Named Applicant: THEODORE D WUGOFSKI)
Filed: 10/22/2001)
For: PROGRAMMABLE GRAPHICAL USER INTERFACE)
CONTROL SYSTEM AND METHOD)
TC/A.U.: 2173)
Examiner: Vu, Kieu D)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION
UNDER THE PROVISIONS OF 37 C.F.R. 1.137(B)

The above-identified application became abandoned for failure to file a timely and proper response to the Office Action mailed on July 26, 2004, which set a three month shortened statutory period for response. The abandonment date of this application was October 27, 2004.

Applicant's attorneys respectfully petition the Assistant Commissioner for Patents to revive the above-identified application under the provisions of 37 C.F.R. 1.137 on the ground that the delay causing the abandonment of the above-identified application was unintentional.

Statement. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137 (b) was unintentional.

Adjustment date: 01/12/2006 CKHLOK
11/04/2005 SCHAPMAN 00000009 500439 10016585
01 FC:1464 130.00 CR

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PAGE 2/16 * RCVD AT 10/24/2005 9:43:15 PM [Eastern Daylight Time] * SVR:USPTO-EFAXF-6/27 * DNIS:2738300 * CSID:605 3361931 * DURATION (mm-ss):03-50

01/12/2006 CKHLOK 00000005 500439 10016585
01 FC:1453 1500.00 DA

Per PTO Rule 137(b), enclosed with this Petition to Revive and above statement that the delay was unintentional is:

- a) an "Amendment" responsive to the Office Action dated July 16, 2004; and
- b) a Terminal Disclaimer submitted in connection with the Amendment.

The Commissioner is hereby authorized to charge the petition fee in the sum required under 37 C.F.R. § 1.17(m) to Deposit Account No. 50-0439 (Gateway, Inc.), as well as charge any additional fees or credit any overpayments.

The revival of the subject patent application from abandonment is respectfully requested, and an indication of the allowability of the claims of the application courteously solicited.

Respectfully submitted,

LEONARD & PROEHL, Prof. L.L.C.

By



Date:

OCT 24, 2005

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